FIFTH DAY—*Tuesday, 27th October 1931.*

The House re-assembled at 12 NOON.

Before the business of the day was taken up, MR. L. VEMA REDDY brought to the notice of the House the recent untimely death of Mr. Doddarame Gowda of Settihalli, Kolar District, who had worked for many years as a member of the Representative Assembly, the Kolar District Board, the School Board and many other official bodies. He was a wealthy man, paying land revenue to the extent of thousands of rupees, and he had spent much and worked hard for the public good. The speaker expressed the deep sorrow of the Assembly at Mr. Doddarame Gowda's premature death and proposed that the heartfelt condolences of the Assembly be communicated to the members of the bereaved family.

THE DEWAN stated that he was sorry to hear of Mr. Doddarame Gowda's untimely demise and that the Assembly would associate itself with what had been expressed by Mr. Vema Reddy.

QUESTIONS AND ANSWERS—(*continued*).

MR. H. K. MADAIYA (Malvalli Taluk).—

Q.—14. Will the Government be pleased to state :—

(*a*) Whether, with reference to Interpellation No. 14 about certain matters in the Mysore Municipal Council at the June Session of the Representative Assembly, 1931, the Government did not answer : "This matter evidently wants looking into and we shall do it," and that the Government would get a complete report and look into all the irregularities ?

(*b*) What exactly has been the action taken by Government in the matter ?

(*c*) Did not the Third Member of Council meet some of the Municipal Councillors in deputation during the Birthday Session and did he not undertake to inspect the city ?

(*d*) Did not the Third Member of Council ask the President to go round the city with him and the Municipal

Councillors and did not the President refuse to do so, and if so, on what grounds?

(*e*) What is the report of the Third Member of Council?

(*f*) What action has been taken with reference to the President—

(i) appointing the son-in-law of the Manager of the Municipal Office,

(ii) appointing Anantharamaiya who was physically unfit,

(iii) restoring clerk Visvesvariah to his original appointment when his conduct was blameworthy and re-appointing the dismissed lady vaccinator?

(*g*) What action has been taken against the Manager of the Municipal Office in that connection?

(*h*) Whether the President had not sought for the advertisement of the vacancy caused on account of the death of Syed Ghouse as a special vacancy and what is the date of the letter?

(*i*) Did not the President then appoint one T. K. Nanjundiah, Clerk in the Trust Board Office, into that vacancy and write to Government to exempt him from Recruitment Rules and what is the date of that letter?

(*j*) Was there not an interpellation in the Municipal Council about the same and will the Government be pleased to lay a copy of the same with answers to supplementary questions on the table? (The date on which the interpellation was sent and the date on which it was answered in the Council may kindly be given.)

(*k*) Did not some of the Councillors write to Government protesting against this appointment?

(*l*) Did not the President afterwards write to Government that the vacancy was discovered to be a general one and not a special one?

(*m*) Did not the President tack on certain notes to the proceedings of the Municipal Council in connection with this interpellation and did not some Municipal Councillors object to the extraordinary procedure of tacking on notes to copies of proceedings which should be a true account of what transpired at meetings?

CHIEF SECRETARY TO GOVERNMENT.—

A.—14. (*a*) Yes.

(*b*) A report was obtained and orders were passed thereon.

(*c*) and (*d*) Government have no information on these points.

(*e*) There is no report.

(*f*) and (*g*) As regards the President, Government observed that Anantharamaiya, a man physically unfit, should not have been appointed.

As regards the Manager, a warning was administered for not bringing to notice that Srikantiah, while employed in the Municipal Office, had joined the college.

No action was called for as regards restoring Clerk Visvesvariah to his original appointment.

(*h*) No. It was reported as a general vacancy. 27th May 1931.

(*i*) A thrown out hand was absorbed in the vacancy with the sanction of Government. No.

(*j*) (i) Yes. (ii) The matter has been discussed in the Municipal Council.

(*k*) Yes.

(*l*) No.

(*m*) (i) Yes. (ii) Government understand that the Municipal Council allowed the notes to remain.

Supplementary Questions and Answers.

Mr. H. C. Dasappa.—

Did not the Government promise at the last session of the Assembly that they would hold an enquiry into the whole matter and make a copy of the report relating to it available to this House?

Dewan.—

The result of the enquiry has been made known.

Mr. H. C. Dasappa.—

Did not the Third Member of Council inspect the Municipal Office after the last session of the Assembly, in company with the Municipal Councillors and make some observations?

General Secretary to Government.—

We have no information.

Mr. H. C. Dasappa.—

If the Government themselves have no information, who else will be able to furnish it to this House ?

Chief Secretary to Government.—

The Third Member of Council might have done all that was necessary, but he has not left a record of what he did in this connection.

Mr. H. C. Dasappa.—

At least after this particular interpellation was received, did the Government make necessary enquiries on this point; and if not, was it not their duty to have done so ?

General Secretary to Government.—

There is no record dealing with that point.

Mr. H. C. Dasappa.—

Is it true that the Third Member of Council sent word to the President but that he refused to go with him on inspection work if the Councillors also would accompany ?

First Member of Council.—

The presumption is that if there was any disobedience of the order, the Member of Council would have taken necessary notice of it.

Mr. H. C. Dasappa.—

What is the report of the Third Member of Council on that question ?

First Member of Council.—

There is no report on that point.

Mr. H. C. Dasappa.—

At least after receiving this question, did you ask the President whether it was true that he refused to accompany the Member of Council on inspection work ?

First Member of Council.—

No. It would be ridiculous to ask him such a question in the absence of anything on record to justify it.

Mr. H. C. Dasappa.—

By whom was the enquiry held into the whole matter?

First Member of Council.—

We called for a report on specific points and we got it.

Mr. H. C. Dasappa.—

What action was taken against the President in view of the appointment of the Manager's own son-in-law in the Municipal Office ?

First Member of Council.—

The Government communicated to him an observation that a man who was physically unable to attend to his duties should not have been appointed.

Mr. H. C. Dasappa.—

Why was the lady vaccinator re-appointed in the municipality, when she had been dismissed on the former occasion by the same President ?

General Secretary to Government.—

It was not exactly a dismissal. She held a temporary appointment, on the termination of which she had to go. Besides, our information is that there was nothing serious against her to prevent her being re-appointed.

Mr. H. C. Dasappa.—

Have not the Government said, in this very Assembly on a former occasion, that the President had dismissed her ?

Chief Secretary to Government.—

There is nothing said in the report about her re-appointment. That particular information is wanting. Is the member putting the question quite sure that she has been re-appointed ?

Mr. H. C. Dasappa.—

Absolutely.

General Secretary to Government.—

The allegations against the clerk and the lady vaccinator were the same, and when the one was restored, there was presumably nothing against the other also being re-appointed.

Mr. H. C. Dasappa.—

In connection with the appointment of the Manager's son-in-law as a clerk of the municipality when he was actually

attending college and was therefore unable to attend office; do the Government think that a mere warning to the President is enough ?

First Member of Council.—

That was the view of Government.

Khan Bahadur Mahomed Abbas Khan.—

How long was he paid like that ?

General Secretary to Government.—

For two months. He might have been a part-time student and also attended office.

Khan Bahadur Mahomed Abbas Khan.—

It was a fact that he attended college only and not office.

Dewan.—

We have no definite information.

Mr. H. C. Dasappa.—

To Question (*h*), *viz.*, whether the President had not sought for the advertisement of the vacancy caused on account of the death of Syed Ghouse as a special vacancy, the answer is "No". May I say that the reply of Government is wrong ? First of all, it was proposed to be advertised as a special vacancy.

First Member of Council.—

We will look into the matter once again.

Mr. H. C. Dasappa.—

And why were the dates, which were asked for in that question, not furnished in the answer ? Did not the President write to the Chairman of the Recruitment Board, on the 14th or 15th May 1931, that the vacancy was to be regarded as "special" ?

First Member of Council.—

All that the Government is aware of on that point is a letter which he wrote to the Secretary of the Board on th 26th May to the effect that it was to be treated as a general

vacancy. The member need not think that Government are suppressing any information in their possession. Far from it.

Mr. H. C. Dasappa.—

Was it not a fact that because the vacancy was at first treated as special and a Brahmin was appointed in the vacancy after treating it as general, there were so many supplementary questions and answers in the Municipal Council? Was not the Government also addressed in the matter by some of the municipal councillors?

First Member of Council.—

As far as I can recollect, the member who is now raising that question himself spoke to me about it once.

Mr. H. C. Dasappa.—

Yes. Was it not after that conversation and after those supplementary questions and answers that the Government were requested to treat this vacancy as general? Was it not a special vacancy subsequently converted into general? Could not the dates, which have been asked for in the question have been ascertained from the Municipal Council and furnished to us?

Dewan.—

We cannot take up for discussion in this Assembly matters which relate to the local affairs of particular municipalities.

Mr. D. S. Mallappa.—

This is not a question concerning one municipality only. It is a question which involves the principle of application of recruitment rules, and that is a matter of concern to the whole State. Why should the President have converted a special vacancy into a general vacancy?

General Secretary to Government.—

It was reported to be a general vacancy. The President first made a mistake in the Municipal Council, and said that it was a special vacancy, but corrected it later.

Mr. D. S. Mallappa.—

Is that opinion based on the President's own report on the result of personal enquiry by the Secretary of the

Recruitment Board or any other responsible officer of Government?

Dewan.—

No special enquiry was considered necessary.

First Member of Council.—

The answer given by Government is quite justified. In the report to the Secretary, Recruitment Board, it was mentioned to be a general vacancy; and the answer which the President gave in the Council was corrected by himself.

Mr. Mahomed Sait.—

The vacancy was said to be special. At the time of the circulation of the proceedings, the President put in an "N.B." in the records to which we objected then alone. If it had been a mistake really, and if it had been corrected then and there, we would not have taken exception. So the characterization of the vacancy as general at any stage is altogether wrong.

First Member of Council.—

I shall make enquiries as to whether it really ought to have been treated as a special vacancy. We will examine the register maintained by the President and see what was intended.

Mr. Mahomed Sait.—

I am very thankful to Government for it.

Capt. Y. V. Ayya.—

Was not an enquiry into the whole affair promised as a result of a representation made in this Assembly and if so is not a report embodying the result of such an enquiry due to this House?

Dewan.—

The result of the enquiry is mentioned in the answer to the question.

Capt. Y. V. Ayya.—

Did the Third Member of Council hold an inspection in this connection, in his personal capacity or as Member of

Government? If the latter, should he not have made a full report to Government in the matter?

Dewan.—

No report has been made.

Mr. G. Channappa.—

Will the Government enquire at least now as to the number of hours for which the Manager's son-in-law was attending office in addition to putting in his attendance at college?

Dewan.—

That may be ascertained, if necessary.

Mr. H. K. Madaiya.—

Will the Government, at least now, be pleased to place on the table all the questions and answers that were put and given in the Municipal Council in this connection?

Dewan.—

No. Questions have been put and answered in the Municipal Council. They cannot be taken up in this Assembly.

General Principles of the Municipal Bills for the Management of Municipal Affairs in (1) Cities, (2) Towns, and (3) Minor Municipalities—(*contd.*)

CITY AND TOWN MUNICIPALITIES.

(*18*) *Functions of Municipal Councils.*

THE SECOND MEMBER OF COUNCIL explained the general principles as follows:—

The purposes for which the municipal fund may be spent at the discretion of the municipal councils are amplified by the addition among others of the following:—

(*a*) Promotion of co-operative societies for the benefit of municipal employees and of societies whose objects include housing the poor and working classes.

(*b*) Provision of facilities for anti-rabic treatment.

(*c*) Provision of telephone service, transport facilities to the public and supply of electricity for lighting and power for public and private purposes.

(*d*) Maintenance of ambulance service.

Provision of accommodation for any class of municipal servants and of grant of loans to such servants for construction of houses subject to the rules to be prescribed by the Government in this behalf, is also included in the discretionary powers in order to make municipal service more attractive.

These were accepted by the House without discussion.

(*19*) *Municipal Taxes.*

THE SECOND MEMBER OF COUNCIL explained the general principles as follows:—

(1) The maximum rates of taxes are specified in the body of the existing Regulation in some cases and in the schedules in other cases. To secure uniformity, the maximum rates of taxes are fixed in the schedules only.

(2) The existing maximum rates of tax leviable on motor vehicles are not adequate. The rate on motor buses and lorries is raised to Rs. 60, while that on motor cars of 15 cwts. and more is enhanced to Rs. 40 a year. The maximum rate on bicycles and tricycles in town municipalities is reduced from Rs. 6 to Rs. 3 a year.

(3) The maximum rates of toll are made identical with those leviable on State roads and the levy of toll on animals is discontinued. Provision is also made for the levy of terminal tax when octroi is not levied.

(4) Power is also taken to Government to grant and define by order exemptions from payment of tolls and other taxes in exceptional cases in addition to those given in the Regulation or provided for by the municipal councils in the rules.

(5) It is also considered desirable to appoint for each district an assessor for assessing taxes imposed in the form of a rate on buildings and lands. The assessor will also conduct the revenue audit of municipalities and towards his pay and allowances, and those of his establishment, the municipal councils are required to contribute in proportion to their income.

(6) Absence of specific provision for composition of tolls is causing a great deal of inconvenience. Provision is made for composition of tolls and also of octroi in order to minimise the inconvenience incidental to the levy of the duty.

(7) To facilitate collection of dues, power is given to municipal councils to attach and sell immovable property of defaulters.

(8) Decisions of Magistrates on appeals against notices of demand are not now subject to revision. Provision for revision in these cases is therefore made.

Paragraph 1 was accepted by the House without discussion.

With regard to taxes on motor vehicles in town municipalities, MR. G. CHANNAPPA said that the present maximum limit of tax, *viz.*, Rs. 30 might continue in respect of motor cars and that Rs. 60 as proposed in respect of buses and lorries was also too high.

THE SECOND MEMBER OF COUNCIL replied that it would anyhow be necessary to raise the existing rates after the abolition of tolls. Moreover, the proposed rates formed only the maximum limit and they were very much higher in outside places.

CAPT. Y. V. AYYA thought that in the cities particularly roads went into disrepair very soon on account of buses and lorries and that the proposed enhancement might be agreed to.

MR. B. L. BYANNA considered that the rate of tax should not be one and the same in respect of all buses and lorries without reference to their capacity.

MR. N. G. SANJEEVIAH thought that the proposed rate for motor cars was all right, but that in respect of lorries on which a vehicular cess was also imposed, Rs. 60 would be unduly high.

THE SECOND MEMBER OF COUNCIL observed that the question of cess was altogether different.

MR. N. G. SANJEEVIAH said that even the cess was paid to the municipalities for maintenance of roads.

THE SECOND MEMBER OF COUNCIL said that the fee referred to was the license fee imposed by the municipalities. That was a primary tax. There was nothing new in what was proposed to be done. But when the tolls were abolished, the municipalities would be put to loss on account of the wear and tear of the roads, for which they required to be compensated. For that, it was proposed to fix a maximum limit of Rs. 60 within which they could levy anything at their own discretion.

KHAN BAHADUR MAHOMED ABBAS KHAN suggested that the tax on motor cars should continue to be Rs. 30, that on buses and lorries being fixed at Rs. 40.

MR. D. S. MALLAPPA suggested Rs. 30 and Rs. 50, respectively.

MR. P. SUBBARAMA CHETTY said that at present the lorries had to pay three kinds of levies : road cess, license fee

and tolls. Under the orders in force in respect of city municipalities, any buses plying for hire, whether in city limits or outside, should pay the vehicular tax if it had a garage. Otherwise a toll at the rate of 8 annas would be levied every day the bus entered the city limits. When the abolition of the tolls was decided, lorries would have to pay only Rs. 60 and the owners of the lorries and buses would then save a lot of money. But one small addition, he said, was necessary to the clause: just as there were two classes of motor cars according to their weight, there must also be two classes of buses and lorries according to their seating capacity.

THE SECOND MEMBER OF COUNCIL promised to consider the suggestion.

MR. R. SUBBA RAO of Anekal said that in the cities there was a marked inequality with respect to the tax on local and mofussil buses, and that necessary relief should be given to the mofussil ones in this respect.

MR. P. SITHARAMIAH said that the maximum rate proposed was very fair and might be agreed to. After all, it was only the maximum and no municipality was prevented from keeping the tax as low as it wanted.

MR. D. S. MALLAPPA said that once the maximum was fixed, the temptation was to make full use of it. He would therefore prefer separate rates being fixed in respect of cities and towns.

THE SECOND MEMBER OF COUNCIL observed that this was not a very important point but that if the members wanted it, there would be no serious objection to accepting Mr. Mallappa's suggestion and having different rates for cities and towns. He added that in the case of minor municipal councils it was proposed to adopt lower rates.

Paragraph 2 was thereupon passed by the House subject to the observations of the Second Member of Council.

Paragraph 3 was accepted by the House without discussion.

With regard to paragraph 4 concerning exemptions from payment of tolls and other taxes, MESSRS. P. SUBBARAMA CHETTY and P. SITHARAMIAH said that at present exemptions were being granted by executive orders of Government. They feared that such a provision would afford scope for extending the exemptions. They therefore preferred this power to be left to the municipal councils so that the necessities of each case might be examined properly.

In the alternative, Mr. Subbarama Chetty said that the exemptions might be indicated in the Regulation itself so that any amendment to the Section might go before the Legislative Council.

THE DEWAN replied that the need for exemptions would arise on considerations of reciprocity between Governments and on other grounds, and it was necessary that the power to grant them should vest with Government.

The objection was not pressed.

Paragraph 5 regarding assessors. MR. G. CHANNAPPA, while admitting the necessity for assessors, thought that if one assessor was appointed for the whole district, his pay and allowances would be a charge on the municipalities. He did not think that the assessor would have sufficient work to justify the expenditure on him being borne by the municipalities. He preferred the arrangement of entrusting the assessing work to the Amildars or Deputy Amildars in addition to their own duties. Again, if the revision of assessment was given to the Assistant Commissioner, the municipal council would have no voice in the matter. He was of opinion that the final decision ought to remain with the municipality itself.

KHAN BAHADUR MAHOMED ABBAS KHAN said that it would not be possible for the Amildar or the Sub-Division Officer to find time to levy assessment and attend to the details connected therewith. He thought that a better arrangement was to appoint one officer for an entire district and charge him with the responsibility first, of seeing that the assessment throughout the district was uniform, and secondly, of receiving and disposing of representations concerning assessment throughout the district.

MR. BELUR SRINIVASA IYENGAR considered that the proposed Sections 71 to 74 should not be applied to the city municipalities, particularly the Bangalore City Municipal Council, because there was a Revenue Manager there, of the grade of an Amildar, whose duty it was not only to levy assessments but also to collect them, giving notices if necessary. The appointment of a separate assessor as such would be superfluous in these circumstances. If the proposed amendment was accepted in regard to the city municipalities, then, in the matter of assessment, the assessor would have no relation with the Municipal Commissioner, and this would be an anomalous arrangement.

MR. S. I. MUMTAZ said that there was no necessity to appoint an assessor for each district. In the first place, the

appointment would mean extra cost to each municipality. In the second place, the local conditions of the various municipalities might not be adequately appreciated by an officer coming all the way from the district headquarter, and if the assessment fixed by him was too high, the municipal councils concerned would be powerless to reduce them and the parties would have to go to the district headquarter for filing appeals. If assessors as well as chief officers were appointed, a decent portion of the income of the municipalities would be consumed by establishment charges and travelling allowances alone. The revising authority should be the President of the municipality concerned.

MR. ANEKAL SRINIVASIENGAR was not in favour of appointing a separate officer for assessing municipal taxes. He thought that it would amount to infringing the powers enjoyed by the municipal council. He was also of the opinion that appeals against the order of the assessing officer must lie to the municipal council and not to the Sub-Division Officer.

MR. D. S. MALLAPPA supported the view that there was no necessity to have an assessor for each district. The work of revising the assessment had to be undertaken once in three years and it was not likely to occupy more than three or four days at a time. As such, it could be easily entrusted to the Amildar. Generally, there would be only one municipality per taluk, and in some cases two, and for the sake of this to create a special appointment at a recurring monthly cost to the municipality was a sheer waste. He was therefore for entrusting the work to the local Amildar.

As regards the revising authority, he agreed with the previous speaker that it must be only the municipal council or the President.

MR. M. RAMASWAMY thought that it would be difficult for an outside officer at a district headquarter to know the conditions of a mofussil municipality. Hence, he said that no new officer outside the municipality need be appointed.

MR. M. P. SOMASEKHARA RAO observed that the motive of Government in proposing the appointment of an assessor for each district was to find remunerative places for their officers at the expense of local bodies. He said that, in these days of financial stringency, it was undesirable to throw additional expenditure on the municipalities and that the council staff itself might do the assessing work as heretofore.

THE SECOND MEMBER OF COUNCIL explained that the rules provided for periodical revision of municipal assessment,

but it was found that the municipal councillors who were generally entrusted with such work did not do it regularly on account of the delicacy involved in having to enhance the assessment. Thus the question of revision was being put off from time to time. On the other hand, if a new man from outside the municipality was appointed, he would be free from local influences and prejudices and could devote his unstinted attention to this important item of work and improve the municipal income.

In this connection, he also pointed out that the existing Regulation provided for the appointment of such an officer once in three years by the municipal council. If, for the reason above mentioned, revision of assessment was not carried out, it would become the duty of Government to appoint some person for the work. It did not necessarily follow that an Amildar alone should be appointed. If a separate whole-time officer was appointed, he would attend not only to the work of revision of assessment once in every three years, but also to the revenue audit work which would tend to the further improvement of the revenue resources of the local body. As regards the question why the assessing work should not be entrusted to the local Amildar, he said that wherever possible it might be done, and that where it was not feasible, a separate officer might be appointed. His salary would not after all be a heavy drain on the municipal funds since it would be shared by all the municipalities in the district. Even now, some expenditure was being incurred by the municipalities on this work.

Regarding the revising authority, he explained that it was proposed to constitute the Assistant Commissioner as a revising officer not because the Amildar was meant to be the assessing officer. Even at present, there was provision for the municipal council to entrust the work to an outside officer, or to a committee of the municipal council. He also pointed out that there were instances where the municipal councils themselves asked the Government to appoint some outside agency for this purpose. If, however, the sense of the House was that the revising authority should be the municipal council, Government would have no objection.

In regard to the city municipalities, there might be some changes suited to the conditions there. It might be necessary to make some alterations in Section 71 itself, and Section 75 also indicated a particular procedure in regard to the revision of assessment. The final authority would, in any case, be the municipal council.

MR. P. SUBBARAMA CHETTY said that there was no need to apply that rule to the Bangalore City Municipality since two auditors from the Comptroller's Office were deputed to audit the municipal accounts every year and they were being paid for by that municipality. Secondly, they had an officer of the status of an Amildar in the Revenue Manager who was looking after the assessing work already. Thus there was absolutely no need to appoint a separate officer for the Bangalore City Municipality. The section in the Bill constituted the Municipal Commissioner as the revising authority. His own idea was that instead of entrusting the work to a single man, an appeal committee of the council should be constituted.

MR. NILGIRI G. SANJEEVIAH thought that even in town municipalities the work of revision of assessment might very well be entrusted to the Amildar as it did not involve more than 3 or 4 days' work and that too once in three years.

THE DEWAN said that Amildars might be appointed assessing officers for town municipal councils with the necessary clerical assistance. The present powers of municipal councils in this respect would remain and there would be no change where there was a Municipal Commissioner.

Subject to these conditions the House agreed to the provision.

Paragraph 6 regarding provision for composition of tolls was agreed to by the Assembly without discussion.

As regards Paragraphs 7 and 8, KHAN BAHADUR MAHOMED ABBAS KHAN pointed out that the committee had rejected the first provision as undesirable. The power to attach and sell immovable properties for the recovery of arrears of municipal revenue was too drastic and it was nowhere in vogue. The operation of this provision was beset with serious risks. Very often the alleged defaulter might be an absentee landlord who might not have received the notice of demand; and to sell away a costly property for the sake of recovering a small amount of arrears of tax could not be justified. Besides, there were several deficiencies in the municipal offices. The registers were not usually posted up to date, timely notices were not being issued, and *khates* were not being issued to the right parties. Under the Regulation, the taxes on houses were the first charge on the property for a period of 12 years. At present the municipality could attach and sell the property only by resorting to a court. But by the proposed provision it would acquire the power to proceed upon any immovable

property without the intervention of the court. As this might lead to great hardship to the people, he did not agree to the provision.

MESSRS. B. L. BYANNA, NILGIRI G. SANJEEVIAH and USMON KHAN were also of the same opinion.

DHARMAPRAVARTHA M. L. NAGAPPA SETTY and MR. G. CHANNAPPA thought that the provision was very necessary as it should be understood by every rate-payer that it was incumbent on him to pay his dues at the proper time. At present the arrears in certain municipalities ran up to Rs. 15,000 and they thought that some drastic procedure as outlined in the Bill was urgently called for.

THE DEWAN enquired whether the provision might, in the first instance, be made applicable to vacant sites only.

Some agreed to it, while others thought that the provision in the Bill was more suitable.

MR. P. SITHARAMIAH characterized the proposed provision as too severe. He said that at present the municipalities were not doing their part of the work in issuing demand notices to the owners and there were instances where although the parties had made payments, they had not been entered in the books and it was not till suits were launched that facts of such payments were brought to light. In these circumstances, he did not think that the municipalities should be given such power. He also felt that if the proposed power were given, all sorts of questions might crop up in connection with the sale of property; *e.g.*, the property might have prior mortgages and the mortgagees not having intimation of the sale proceedings might lose their right. He was therefore of the opinion that without the intervention of the court, the municipality should not have the power to sell immovable properties. Continuing, he remarked that after all a municipality was a corporate body, not very different from a private individual in the eye of the law and it should not be entrusted with any vast power.

MR. BELUR SRINIVASA IYENGAR thought it necessary to arm the municipality with the proposed power as it would force the rate-payers to pay their dues promptly.

The provision was put to vote and carried by a large majority.

THE DEWAN, however, observed that though this provision was accepted by the House, Government would consider the matter further before incorporating it in the Bill.

MR. M. P. SOMASEKHARA RAO suggested that in the event of its acceptance, provision should be made in the Bill

making it obligatory on the municipality to issue a registered notice to the defaulter before attaching his property.

MR. P. SITHARAMIAH added that the 15 days' time provided in the next clause for appeal against the Magistrate's decision would serve no useful purpose and that it should therefore be extended to one month.

These suggestions were noted and the provisions were agreed to by the House.

(20) Regulation of Streets and Buildings.

THE SECOND MEMBER OF COUNCIL explained as follows:—

(i) No specific provision exists for municipal councils to temporarily close public streets for executing works. Necessary provision is made for this purpose and power is given to municipal councils to create facilities on such occasions to the people concerned and pay compensation to persons sustaining special damages by such works.

(ii) In regard to new buildings, municipal councils are given power to impose without any special authorisation by the Government, conditions as to materials, dimensions and cubical contents of the rooms, doors and windows and to the number of storeys to be erected or the purposes for which the building is to be used.

(iii) It is proposed to give power to the municipal council in the case of new buildings to be constructed on sites not laid out by the municipal council or a competent authority, to direct that they shall not be proceeded with until all questions connected with the respective locality of the building and streets, existing or projected, are decided, the direction being in force only for a period not exceeding six months from the date of the direction.

Paragraph (i) was accepted without discussion as it was of a non-controversial nature.

With reference to Paragraph (ii), MR. P. SUBBARAMA CHETTY said that, under Section 122, the power of giving licenses was vested in the Chief Officer in the town municipal council and in the Commissioner in the city municipal council. If, for some reason, the Commissioner or the Chief Officer should refuse to give the license, no appeal was provided against their orders.

THE DEWAN said that this clause did not refer to that matter. It only proposed to give power to the municipal councils for regulating the construction of new buildings without special authorisation by Government.

This provision was agreed to.

With reference to Paragraph (iii), MR. N. G. SANJEEVIAH said that six months was too long a period and that it should be reduced in the interest of the owner.

THE DEWAN replied that the period was only the maximum limit.

Thereupon the provision was accepted.

(21) *Sanitary Matters.*

THE SECOND MEMBER OF COUNCIL explained as follows:—

It is considered necessary to empower municipal councils to prohibit the use as a dwelling, of a building or room which is unfit for human habitation if the owner or occupier fails to carry out, within a reasonable time, improvements detailed in a notice served on him.

In the interests of sanitation, it is also considered necessary to give power to the municipal councils to—

(*a*) regulate the construction of tanks and ponds, and

(*b*) to deal with collections of water which are likely to be breeding places of mosquitoes.

Provision is also made for prosecution of nuisances from quarries and cart-stands by bringing them within the scope of the section dealing with nuisances from trades and occupations.

The above provisions were accepted after necessary explanation.

(22) *Power to fix Costs.*

THE SECOND MEMBER OF COUNCIL explained as follows:—

It is also considered necessary to empower municipal councils in case of dispute to fix the amount of costs or expenses which have to be paid under the Regulation in all cases in which special provision has not been made therefor in the Regulation.

He added that this was only a consequential provision bearing on the previous section.

KHAN BAHADUR MAHOMED ABBAS KHAN pointed out that under the old Section 160, if within one month after the appointment of a panchayet a decision was not reached, the matter could be taken up to a district court. Under Section 131, the District Judge had the power to award compensation and also costs. He therefore thought that there was no need

to give a new power to the municipality. It was not also quite clear whether the costs referred to in the provision meant those incurred in connection with the suit between the municipality and a private party or between two private parties.

THE SECOND MEMBER OF COUNCIL explained that there were a number of items provided in the Regulation whereby the municipality was required to take a particular action and incur the expenses connected therewith. In many cases, a particular procedure was prescribed for the recovery of damages, but in certain other cases, how the costs or damages should be borne and how they should be recovered was not specifically laid down. That was a defect in the existing law. The result of it was that the municipality could have no power to levy the costs. In order to empower the municipal council to take action wherever such a specific provision was not made, the proposed clause was inserted.

MESSRS. P. SITHARAMIAH and G. CHANNAPPA pointed out that the section was too wide and what exactly was meant by the expression "costs or expenses" had to be made clear.

THE DEWAN said that the point mentioned might be considered.

(23) *Audit of Accounts.*

THE SECOND MEMBER OF COUNCIL explained as follows :—

Audit of the municipal accounts by a Government Auditor is made compulsory.

Power is given to the Deputy Commissioners to surcharge on the report of the auditor the persons responsible for deficiency or loss caused by their negligence or misconduct, after affording them opportunity to explain.

MR. P. SUBBARAMA CHETTY did not understand why Sections 210 and 214 should be made applicable to city municipalities also. In the Bangalore City Municipality there were two Government Auditors doing the audit work every year. All the defects noticed were being taken to the notice of both the Government and the municipal council. There was also a Municipal Commissioner of the status of a Deputy Commissioner. He did not think that the provision empowering the Deputy Commissioner to sit in judgment over another officer of a co-ordinate status was necessary and suggested that the surcharging authority should therefore be the Government.

THE SECOND MEMBER OF COUNCIL said that there was some misapprehension on that point. In his capacity as District Magistrate, the Deputy Commissioner was competent to dispose of several such cases. In this instance, surcharging had to be ordered against a defaulting person and not against the municipal council as a body. The Deputy Commissioner would have before him the audit report, the explanation of the person in fault and would hear both the parties before passing his orders.

Supposing that a Revenue Manager was found guilty by the Auditor, he asked what harm there could be if a District Magistrate inquired into the matter purely in his judicial capacity. It was a semi-judicial act and the question of the status did not come in anywhere.

MR. P. SUBBARAMA CHETTY again pointed out that the necessity to surcharge would not arise in the city municipalities as there was the system of pre-audit. Even should mistakes escape notice in the pre-audit, they would be brought to light in the course of the yearly audit, when the municipal council would make necessary enquiries and rectify them.

MR. P. SITHARAMIAH pointed out that, in spite of the pre-audit or post-audit, there might be losses to the municipality owing to the negligence of officials or the Municipal Commissioner himself. In such cases, the question of surcharge should certainly arise and should be duly investigated. The only point was whether the investigation should be by the Deputy Commissioner or by any other authority. He did not see much objection to the Deputy Commissioner being the surcharging authority in the case of town municipalities. But in the case of cities, the Deputy Commissioner had nothing to do with the administration of the municipalities. They had, in the Municipal Commissioner, a fairly senior officer and he did not think it right that his actions should be investigated by an officer of a co-ordinate rank. Therefore, he was of the opinion that either the council might be the surcharging authority or, if that was not possible, it might be the Government.

MR. BELUR SRINIVASA IYENGAR also agreed with the above view.

THE SECOND MEMBER OF COUNCIL pointed out that audit was an important item in the municipal administration and that in Madras the auditor himself had the power to surcharge.

MR. P. SUBBARAMA CHETTY suggested that, in Mysore, the municipal council might be made the surcharging authority.

THE SECOND MEMBER OF COUNCIL replied that it could not be done as the surcharging should be quite independent of the executive. The Government here went one step further than Madras by giving the power to the Deputy Commissioner to decide it in a semi-judicial capacity. If the party affected was not willing to resort to the civil court against the Deputy Commissioner's decision, he could go to Government in appeal.

KHAN BAHADUR MAHOMED ABBAS KHAN agreed that the audit should be quite independent of municipal council and that the surcharging power should not be made over to the council. After all, the surcharging officer would not proceed against the council. He also did not think that the authority should be given to the Commissioner for the reason that he might himself be involved.

Thereupon the principle was accepted by the House.

(24) (a) Powers in regard to Control.

THE SECOND MEMBER OF COUNCIL explained as follows :—

There is no specific provision for inspection of city municipal offices. Power to inspect these offices is given to the Government or any officer authorised by Government in this behalf. As the Deputy Commissioners find it difficult to inspect the town municipal offices themselves, it is considered necessary to empower Deputy Commissioners to delegate their power of inspection to Assistant Commissioners.

Referring to the delegation of the power of inspection of municipal councils to Assistant Commissioners, MR. G. CHANNAPPA said that it was not desirable. He was of the opinion that the power of delegation should not be there and that the Deputy Commissioner alone must be required to do the inspection.

In supporting the above view, MR. ANEKAL SRINIVASIENGAR observed that inspection was quite different from audit and that it related to administration of the municipal affairs. Inspection was not meant for fault-finding but for making constructive suggestions for improving the tone of the municipal administration. In that sense, it deserved to be placed on a higher plane. So, such a power should not be allowed to be delegated by the Deputy Commissioner to any of his subordinates as in the case of a judicial function. What was wanted was the advice and constructive criticism

of the Deputy Commissioner. He could not believe that it was impossible for the Deputy Commissioner to find an hour for the inspection of each of the municipal offices during a whole year. The question of prestige of the council was also involved.

KHAN BAHADUR MAHOMED ABBAS KHAN pointed out that, under Section 123 of the existing Regulation, the Deputy Commissioner could inspect any municipal building, send for the accounts or proceedings book of the municipality, etc. Even if he did not do it himself, he could delegate all these powers to the Assistant Commissioner. He had also the powers to restrain the actions of any municipal council. He therefore did not see what objection there could be to the inspection of the municipal office being conducted by an Assistant Commissioner or a Sub-Division Officer. Taking the instance of the Mysore District, it would be a practical impossibility for the Deputy Commissioner to find time in the midst of his multifarious duties, to inspect thoroughly all municipal councils in the course of the year.

For these reasons, he thought that, when once the necessity for the annual inspection of the municipalities was recognised, there could be no objection to the delegation of this power by the Deputy Commissioner to his next subordinate.

At this stage, the Assembly rose for lunch and met again at 3-30 p.m.

On re-assembling the DEWAN informed the House that Messrs. Linge Gowda and H. C. Dasappa had sent up an adjournment motion to discuss the order passed by Government with regard to the terms under which water would be supplied to the raiyats under the Irwin Canal. He said that he had no objection to admit it if 50 members of the House were in favour of it.

Fifty members having consented, the Dewan fixed 4-30 P.M., the next day for its discussion.

The discussion on Paragraph 24 (*a*) of the general principles of the City and Town Municipalities Bills was resumed.

MR. V. V. IYER represented that the Deputy Commissioner should have no power of delegation, so far as the inspection of the town municipalities were concerned, to the Assistant Commissioners.

MR. P. SUBBARAMA CHETTY pointed out that in the City Municipalities Bill, it was provided that Government might authorise anybody to inspect the municipality. He was of the opinion that it should be clearly stated that no

officer below the rank and status of a head of department should be deputed for such inspection work. He was also of the opinion that so far as the city municipalities were concerned, there was no need for any inspection by Government officers, as the municipalities were submitting their proceedings to Government and if there was anything in them against the law, Government would bring it to the notice of the municipality for being rectified. Also, there was an auditor to check the accounts of the municipality. If, however, Government considered that inspection was absolutely necessary, he suggested that the existing provision might be altered as proposed by him.

The speaker also said that whenever there was a difference of opinion between the Government and the municipality in regard to the interpretation of any provision of the municipal law, the matter should be referred to the High Court for a decision instead of the Government giving a final ruling thereon as at present.

THE DEWAN said that the officer deputed for the purpose would be one of high status.

THE SECOND MEMBER OF COUNCIL added that the Deputy Commissioner was the authority recognised by all statutes in Mysore. It could not for a moment be expected that Government would send an officer below that of a recognised status to inspect the municipality. They considered that the Deputy Commissioner would be the fittest person both by experience and status to do it. After all, he went there as a representative of the Government.

MR. H. C. DASAPPA thought that it would be sufficient if mention was made about it in the statement of objects and reasons, as in the interpretation of the provision, this statement would always be referred to as a guide.

KHAN BAHADUR MAHOMED ABBAS KHAN said that at present the power of inspection of the city municipal office was reserved to Government who could delegate any officer subordinate to them for that purpose. It was not stated specifically that the Deputy Commissioner alone would be asked to inspect. He did not think that the status of the officer who would be deputed to inspect need be mentioned in the Regulation.

MR. D. S. MALLAPPA was of the opinion that so far as the town municipalities were concerned, no authority lower in rank than the Deputy Commissioner should be the inspecting officer. Ordinarily, the subordinate officers held always a view quite opposed to that held by the non-official

Presidents, and hence a higher officer of sufficient status and experience should necessarily be the inspecting authority.

In regard to city municipalities, he said it might just be possible for want of definition in the provision itself that any subordinate officer might be deputed to inspect. Hence he thought that the inspecting authority should be specifically mentioned in the Regulation.

THE DEWAN said that so far as town municipalities were concerned, Government had no objection to delete the provision relating to the delegation of power to Assistant Commissioners. In the case of city municipalities, it was not possible to accept the proposal that a Deputy Commissioner should not be deputed for this work. Government would appoint for the purpose an officer of sufficient standing having regard to the circumstances of each case.

Both these provisions were thereupon accepted by the House.

Sub-Paragraph (b) of Paragraph 24.

THE SECOND MEMBER OF COUNCIL explained as follows:—

Power is taken to Government to annul or amend any proceedings or resolution of municipal councils or their executive which is not in conformity with law or orders in force after consideration of any representation that may be made by the municipal councils.

MR. BELUR SRINIVASA IYENGAR strongly protested against the provision proposed in this paragraph. He thought that it had the effect of unduly restricting the powers of local self-government institutions and that except in Calcutta, such a provision did not exist anywhere else. So far as the city municipalities were concerned, this was a new provision and was quite uncalled for. Sections 222 and 223 would reduce the municipality to the status of an ordinary individual or a petitioner. He did not understand who should go to represent the matter before the Government or the Deputy Commissioner and what was the necessity for anybody to interfere with the resolution of the municipal council duly passed at a meeting of the council.

THE SECOND MEMBER OF COUNCIL was quite prepared to insert any other word for "representation" occurring in the clause.

MR. BELUR SRINIVASA IYENGAR said that Clause No. 222 should not at all find a place in the City Municipalities Regulation.

THE FIRST MEMBER OF COUNCIL said that, even under the existing Regulation, Government had power to delegate their powers to the Deputy Commissioner.

MR. BELUR SRINIVASA IYENGAR contended that Section 222 was absolutely inapplicable to city municipalities for the reason that the municipality had a Commissioner of the status of a Deputy Commissioner and it was not right that one Deputy Commissioner should investigate a complaint against an officer of equal status.

THE FIRST MEMBER OF COUNCIL explained that Government could authorise any Deputy Commissioner to deal with the resolutions of the council, the Government having the power to modify or rescind the Deputy Commissioner's order. But, before doing so, it was proposed to give an opportunity to the council to explain what they had to say.

THE DEWAN observed that the Government would not press this amendment and that the existing provision would continue.

This amendment was not pressed.

Sub-Paragraph (c) of Paragraph 24.

THE SECOND MEMBER OF COUNCIL explained as follows:—

It is considered desirable that, before confirming, revising or modifying the orders of Deputy Commissioners suspending resolutions of municipal councils, Government should afford opportunity to the municipal councils concerned to show cause against the orders.

With reference to the above, MR. N. G. SANJEEVIAH, while agreeing that such a provision was quite necessary, thought that, without notice to the municipalities concerned, no orders should be passed rescinding or modifying their resolutions.

THE SECOND MEMBER OF COUNCIL said that, as it was a very controversial matter, Government would consider it further.

Adjournment Motion.

It being 4-30 P.M., the adjournment motion relating to the high-handedness of local authorities in the matter of collection of land revenue in the villages of Talgunda and Udugani Hoblies of the Shikarpur Taluk was taken up as previously announced.

MR. G. CHANNAPPA moved as follows :—

"That the House be adjourned to discuss a matter of urgent public importance arising out of the high-handedness of the local authorities in the matter of the collection of land revenue in the 32 villages of the Talgunda and Udugani Hoblies of the Shikarpur Taluk."

In doing so, he said that in these villages the rainfall was scanty during the last four years and it was particularly so in the year 1930-31. In addition to this, the prices of food-stuffs went down on account of the general economic depression. The result of all this was that the raiyats found it very difficult to pay their land assessment. In spite of this, they had paid as much as Rs. 11,000 by the end of February 1931 out of a demand of Rs. 45,000. Not being content with this, the local officers without any sort of enquiry into the real conditions of the raiyats, began to harass them in various ways for the payment of the balance. The raiyats became helpless. In March and April, many lands were brought to sale and as there were no purchasers, they were resumed by Government. The conduct of the local officers in this case was, to say the least, very high-handed.

With a view to appraise the real conditions of the people, various meetings were held and the resolutions passed at such meetings were submitted to both the Government and the Deputy Commissioner, in addition to making individual representations. These resolutions and representations had no effect.

In June last, during the Birthday Session, some of the raiyats of this taluk waited in a deputation on the Revenue Commissioner, who, after hearing their grievances, was pleased to give them an assurance that half-remission would be given on wet lands.

THE SECOND MEMBER OF COUNCIL (who was then the Revenue Commissioner) said that he had held out no such assurance.

MR. CHANNAPPA, continuing, said that that was the information he had about the matter and that his statement would be supported by the speakers that would follow him. He added that though the Revenue Commissioner had been to the place, it was not possible for most of the raiyats to meet him and represent their grievances in person as his tour programme was not known to them previously.

Referring to the *pahani* accounts, the speaker said that people had evidence to show that the local officers had purposely tampered with the said accounts and also instructed the Shanbhogues to re-write their accounts in the way they

wanted them to be. He also said that those who did not carry out their wishes were threatened with dismissal. The statement of the Patel of Kadanandihalli before the Deputy Commissioner would substantiate the above assertion.

Continuing, Mr. Channappa said that, in the month of July, attachments of property began on a large scale. Even respectable landholders were not spared. They were threatened with imprisonment, their houses were entered into and movable properties were removed. The speaker said that he had information to the effect that a large police force was brought down and policemen were allowed to enter the houses of respectable people and also temples with their boots on. Things came to a crisis on the 25th July 1931 when the people observed a general hartal. The authorities anticipated a general disturbance between the police and the people. The one direct result of the hartal was that the authorities tightened their grip over the people and a series of objectionable measures were taken against them.

About this time, a big public meeting was arranged at which Mr. T. T. Sharma had been requested to preside. But the authorities would not allow this meeting to go on. The previous day, an order under Section 144 was issued prohibiting the meeting as well as the delivery of any speeches at the place. Mr. Sharma explained to the Deputy Commissioner that nothing untoward would happen and that the meeting would go on peacefully. The Deputy Commissioner was however suspicious and even after Mr. Sharma showing him the draft resolutions, he would not allow the meeting to take place. Mr. Sharma therefore had to return but not until he tried to bring about an amicable settlement between the officers and the people. He exhorted the people to pay as much of the balance due from them as they could and requested the officers to show some concession to the raiyats. The Deputy Commissioner promised to do so. The raiyats on their part paid some money as advised by Mr. Sharma, but the officers did nothing to redress the grievances of the people. On the other hand, they treated the leaders of the local people with contempt and harassed them in a number of ways. Even Mahomedans were allowed to enter the houses of Lingayets and bring out their belongings including their articles of worship. Assessment was collected at the point of the pistol. All these facts were mentioned by Mr. Sharma to the Dewan (Sir Mirza) who felt deeply for the acts of the local officers and promised to make detailed enquiries. The facts were afterwards explained to the

Officiating Dewan also. In spite of this, nothing was done. It would have been better if the First Member of Council had gone to the scene of disturbance and made personal enquiries. It was a matter for regret that that was also not done.

In these circumstances, the speaker thought that it was absolutely necessary to make a thorough enquiry into the matter by appointing an impartial committee with a non-official majority. He particularly wanted the Government to give all facilities for such an enquiry and not support the local officers in their wrong-doings on account of considerations of prestige. He thought that this was very important more especially because, if the actions of the local officers went unnoticed in this case, there would be no safety to the people.

In seconding the motion, MR. HOSAKOPPA KRISHNA RAO said that in dealing with an important matter of this kind, the Government should not be influenced by ideas of mere rules and regulations governing the disposal of such motions, but should go into the merits of the case and do something to redress the real grievances of the people. The representatives in the Assembly spoke with a full sense of their responsibility and it was for Government to respect their word. To begin with, he said that if, in an out-of-the way place in the Shikarpur Taluk, people who were utterly uneducated and were also not subject to the impact of political conditions outside the State, stood firm and vehemently protested against the incessant demand for payment of assessment, there must have been some reason for that attitude. In the present case, there were no rains for the preceding few years with the result that the people had no crops all the time and consequently no money to pay the assessment. Without realising their real difficulties, was it right, he asked, for the local officers to put the raiyats to all kinds of harassment for failure to pay kandayam? They had represented their difficulties to the local officers first, then to the Deputy Commissioner and then even to the Revenue Commissioner. Each of them, in his own way, promised to give redress but no redress was forthcoming. The local officers emboldened by the attitude of the higher officers resorted to all kinds of repressive measures subjecting the raiyats to untold misery. When this state of things reached Bangalore, Mr. T. T. Sharma went personally to the place to enquire what the real condition of the people was. He interviewed the officers and by repeated writings in the newspapers tried to open the eyes of the authorities. When a public meeting was arranged to be held to ventilate the grievances

of the people, the local officers put into operation Section 144 of the Criminal Procedure Code and prevented the meeting coming off. Mr. Sharma, on his return to Bangalore, interviewed Sir Mirza Ismail and explained to him the actual situation in the place and the steps he had taken to pacify the people. The Dewan applauded the good work done by him and as the interview was going on, a telegram was received by Mr. Sharma to the effect that some prominent people of the locality were being arrested and kept in the lock-up. The speaker asked why the people should be driven to such desperation by the repressive acts of the local officers. He did not think that Government was justified in tolerating such acts of the local officers without making any attempt to enquire into the real situation. The Government, on the report of the local officers, were apparently led to believe that there was a big no-tax campaign at the place, and without pausing to enquire whether it was real or not, permitted all kinds of repression. Shch repressive acts, the speaker said, were unheard of in the annals of Mysore. It was said that the tiles of certain houses were removed, that the cattle which were the mainstay of the raiyats were let loose and even the zinc sheets of sheds that gave shelter to them were taken away. When the raiyats represented that they had absolutely no money to pay the assessment and that if the officers liked their jewels might be taken away, the officers refused to do so and committed all sorts of atrocities. The speaker said that such acts of the local officers would neither bring credit to the country nor prosperity to the people. The one important fact to be remembered was that if the people did not pay tax, it was because they could not pay. This fact had to be fully enquired into and whether the local officers were justified in their acts had also to be determined. It was therefore necessary to constitute a committee consisting of a majority of non-officials to enquire into these matters so as to enable the Government to have a precise view of the situation and deal with the matter adequately. With these words he commended the motion to the House.

MR. L. VEMA REDDY thought that all these troubles were due to the fact that the local officers believed that unless they collected all the assessment by every means in their power they would be punished. He thought that Government should not give such instructions to the local officers.

MR. SIDDAPPA described the conditions in Talagunda and Udugani Hoblis which were the two that suffered most

by the repressive acts of the local officers. He said that the people there were utterly ignorant with absolutely no idea of political agitation. They did not know what no-tax campaign was and if they had any knowledge of it they should have taken quite different measures to show their resentment. They were so poor, humble and ignorant that they did not even know the rules as to when to send their petitions for remission. The previous year they had sent some petitions, but as the local officers thought that they were late in sending the petitions they were disposed of somehow or other without giving the raiyats any relief. The situation during the current year was very bad and the *pahani* accounts were prepared in shch a way as to mislead the higher officers. The raiyats interviewed the Deputy Commissioner. Seeing that no redress was forthcoming even from that quarter they came to Mysore during the last Birthday Session to interview the Revenue Commissioner. The Revenue Commissioner asked them to represent their grievances to the Deputy Commissioner who was expected to deal with their request favourably. The local officers somehow scenting this action of the raiyats began to submit all sorts of false reports regarding the actual state of things to the Deputy Commissioner. To the misfortune of the people, the Deputy Commissioner was transferred and the local officers began to prejudice the mind of the new Deputy Commissioner. When the people saw that their grievances would not be redressed by the authorities, they arranged to hold a public meeting to ventilate them. A few leaders of the place were, in the first place, prevented from rendering any help to the raiyats. In the next place, the meeting itself was prohibited. At the same time, a reign of repression followed, which had already been described by the mover. The authorities wanted only cash payment and although the raiyats offered to pay in jewels or in any other kind for want of cash, they would not listen to them and resorted to all sorts of excesses, by letting loose their cattle, by removing the roofs of certain houses, prosecuting the leaders of the people, arresting others without letting them on bail and such other atrocious acts. The speaker said that he could not describe adequately all the horrors that followed in the wake of repression and that he was of opinion that only a committee could bring out all the real facts. He was convinced that the constitution of such a committee alone would help both the raiyats as well as the Government officials.

MR. VEERABASAPPA said that he was patel of two villages that came under the repressive acts of officials. He

could say from his experience that no local officer from the Amildar upwards actually visited the lands. Even if some of them did so, they did it very imperfectly and that even when he offered to accompany them and show them the real condition of the crops, on some pretext or other they would not go with him. The *pahani* accounts prepared by the Shanbhogue were in many cases altered by the higher officers without reference to the actual state of crops. In other cases they were directed to be written in a particular manner according to the wishes of the officers. When the people represented to the Deputy Commissioner the necessity for remission, the latter merely put them off saying that he could do nothing as the reports of local officers did not justify any remission being given in that locality at all. When pressed further, he accused them that they were all congressmen bent on doing mischief and that they did not deserve any relief at all. Speaking of himself the speaker said that he was handled roughly and was threatened with suspension. He was compelled to collect the land revenue due from the raiyats by some means or other on pain of dismissal. With considerable difficulty he managed to collect Rs. 150 and could do no more. Some time later, the Deputy Commissioner himself visited the spot accompanied by a large number of police men. The speaker had to collect about Rs. 900 more, and as he could not collect more he was kept under suspension, and later suspecting that he was doing it on purpose he was kept under arrest. Thereafter the Deputy Commissioner went to the house of another respectable man who also owed land revenue. As he was not at home at the time and was not expected to be back for some time, all his movables were removed during his absence and taken away. From there the Deputy Commissioner went to another house and so on, all the time harassing the people in many ways. The speaker said that he even offered to be responsible for the payment of the land tax on their behalf sooner or later. But the authorities would not listen. They carried on coercive measures in their own way. A large number of prosecutions were instituted against respectable people of the place and some of them were actually arrested and placed under custody. One Kadenandihalli Shanbhogue also was placed under suspension for not writing the *pahani* accounts in the way the authorities wanted him to do. In some cases, the *pahani* accounts were altoghther re-written. The speaker therefore wanted that a committee should be constituted to bring out all the actual facts connected with this unfortunate incident.

MR. SIDDABASAPPA also gave an account of the happenings as detailed by the previous speaker. When he himself saw the Revenue Commissioner during the last Birthday Session at Mysore, he was asked to interview the Deputy Commissioner on his return to Shimoga. This he did, but the Deputy Commissioner was very harsh to him and said that he had just then received orders to collect every pie due from the raiyats and that he would do all in his power to give effect to the orders. Later on, the Deputy Commissioner came to Shikarpur Taluk with a large police force. Even then the people offered to pay, though with considerable difficulty, half the assessment and implored the Deputy Commissioner not to resort to any repressive measures. But no heed was paid to their representations. The people had paid a large sum of money. Not content with this, the authorities asked them to pay what was not in their power to pay. The harassment of the people went on irrespective of their ability to pay anything. He therefore requested that the Dewan and Members of Council should inspect the place camping there for a couple of days. He added that they should not bring the Deputy Commissioner with them lest he should misrepresent the facts and mislead them.

THE REVENUE COMMISSIONER, in replying, spoke as follows:—

Sir, I am glad that this adjournment motion has been brought up, as it affords us an opportunity of explaining to the members of the Assembly the situation in the Shikarpur Taluk, as misleading reports and comments have appeared in some of the newspapers respecting the real facts. Mr. Channappa began his remarks with the statement that in the region in question, there was no rain at all for a number of years, and that consequently, no crops had been raised during that period. The fact, however, is quite otherwise. If you look into the revenue accounts of the taluk, you will find that in the year 1928-29, out of a total jamabandi of two lakhs, over 96 per cent had been collected without any trouble. The arrears at the end of that year amounted only to about Rs. 8,000; while at the end of the year 1930-31—the year with which we are now specifically concerned—the arrears amounted to as much as Rs. 65,000. It would interest the House further to know that out of this arrears of Rs. 65,000, no less than about Rs. 56,000 were due from villages in the two hoblies of Udugani and Talgunda where the revenue officers are supposed to have committed excesses.

This single circumstance should be sufficient to prove conclusively that collection of land revenue in the year 1930-31 was carried out in the taluk, and particularly in the two hoblies, with the utmost leniency. I shall not press this point further as the above facts speak eloquently for themselves.

It is true, Sir, that in the year 1930-31, the rainfall in the villages of the two hoblies from June to September was deficient and the raiyats sent up petitions for remission of half the wet assessment. The local officers, *i.e.*, the Sub-Division Officer and the Amildar, inspected the locality. It is not correct to say, as has been said in the resolution passed at the raiyats' meeting, that the inspections of the local officers were confined to one or two villages. The facts are that out of the 32 villages to which the adjournment motion refers, the Sub-Division Officer inspected 17 villages and the Amildar 16 villages. Some of these villages were visited by these two officers independently and others jointly. As to what they found in these villages during these inspections which, be it noted, were carried out once in the month of October and again in the month of November, the diaries of the Amildar which were written at the time and submitted to the Deputy Commissioner before the present controversy arose, describe in sufficient detail, with special reference to the supply in the tanks and the estimated value of the crops. I shall not weary the Assembly by reading these details. But it is necessary that a few extracts should be placed before you. In his diary for 5th November 1930, the Amildar notes:—

"Inspected the Nerlige Village. The crops are in good condition. The Hirekere tank is full and discharging. Sugar-cane and paddy are in good condition, the yield being not less than 8 annas. Visited Virupapura. Crops are in good condition, except in the fields where weeding was not done. Inspected Hirejamboor. Crops are in good condition. Tank is full. Sugar-cane and paddy are in good condition, except in a few survey numbers where weeding was not done. Inspected Kodikoppa. Tanks are full. Crops are in good condition, except in some fields where the weeding was neglected. Inspected Chikkajamboor. Inspected the crops below Anekere. The paddy and sugar-cane were in good condition, the yield being not less than 8 annas."

In his diary for the 28th idem, he says:—

"Inspected the crops of (9) villages and they were in good condition, the yield on the average being not less than 8 annas and even more. The tanks had received full supply of water. The paddy crop in the fields where the weeding was not attended to, had suffered. In Huliganakoppa and Muthagi, paddy and sugar-cane crops were

excellent. The dry crops in all the villages were good, the yield being more than 12 annas. In Thadasanahalli and Kadenandihalli, the paddy crops under a few tanks had suffered owing to the non-removal of weeds. In other cases, paddy crops were good, the yield being not less than 8 annas. Dry crops were excellent. The tanks were all full."

And so on the report runs in a similar strain in regard to half a dozen other villages on the 29th and 30th November 1930. It is thus evident that the yield of the crops as observed by the local officers, was not so bad as to justfy the grant of remission of wet assessment under the Standing Orders. As I observed before, it is true there was a deficiency of rainfall in the earlier months. But there was a very copious precipitation in October and the tanks having received a very good supply, the crops revived, though it is possible that in isolated fields here and there, this result did not ensue.

I should like to refer to another circumstance which adds to the value of these reports. In November 1930, the then Revenue Commissioner happened to visit Shikarpur and when the raiyats came up to him with petitions for remission, he personally instructed the Sub-Division Officer and the Amildar to go into the matter thoroughly and send up recommendations for remission, if it was found to be justified. The inspections made in November 1930 by the two officers could not therefore be described as casual, but were conducted with a due sense of responsibility, born of the knowledge that their reports would receive the special scrutiny of the head of the department. On the strength of their personal observations, the Sub-Division Officer made a report to the Deputy Commissioner that a case for remission under the rules had not been made out. The then Deputy Commissioner of the district (Mr. G. Rudrappa) accepted this conclusion and did not therefore include Shikarpur in the areas recommended by him as deserving of remission. About the same time, the same Deputy Commissioner recommended the grant of remission to several villages in the Shimoga Taluk. But, he did not do so in respect of Shikarpur. I ask you, what is the special affection or sympathy which the Deputy Commissioner had for the raiyats of the Shimoga Taluk, which he did not have for the raiyats of the Shikarpur Taluk.

It was stated by one member, as well as in the resolutions passed at the raiyats' meeting, that the *pahani* accounts of the villages had been altered by the Shanbhogues, on the suggestion of the higher officers, with a view to show that the yield of the crops was higher than they really were. It

is sufficient to say that the conclusions of the Sub-Division Officer and the Amildar respecting the out-turn of the crops depended on their own personal observations and not on the accounts written by the Shanbhogues. The members here know very well how carelessly these accounts are sometimes written, and only the other day, they asked for special measures to ensure the correct compilation of these accounts. It is quite true that in certain cases, the higher officers found fault with the Shanbhogues of these hoblies for making inaccurate entries in the *pahanis* as tested by their own personal observation. Reference has been made to alteration in red ink in the *pahani* accounts. There is only one such red ink entry in the *pahani* accounts of these villages and that refers to the remark of the Revenue Inspector who, on an inspection of the crops, has entered in red ink the result of his own observation of the value of crops. It is his duty to do this; and it may interest the members to know that in some cases where he has differed from the Shanbhogue, he has given a *lower* yield than what had been recorded as the out-turn by the Shanbhogue, a fact which should prove conclusively that there is nothing suspicious in the entries made by him. It was the duty of the Revenue Inspector to check the *pahani* accounts as it is likewise the duty of the higher officers to satisfy themselves that the Shanbhogues make proper and correct entries and to take disciplinary action against them when they fail to do so.

The collection season began in February. But revenues from these hoblies did not come in. In the month of May, a regular no-tax campaign was started in the area with the help and encouragement of certain persons from across the frontier in the Bombay Presidency. Meetings were held and hand bills were distributed to persuade the people not to pay the taxes due to Government, unless remission of wet assessment was sanctioned. The tactics employed did not stop at persuasion. It was enforced by threats of social boycott against persons who dared to pay their dues to the Sircar. Dhobies and barbers were prevented from serving these people, their cattle were not allowed in the village gomal and essential supplies for payment were refused to Government officers. The raiyats had not their heart in this agitation, and many of them confessed to the officers that though they were quite ready and willing to pay, they had to withhold owing to fears of molestation. There was great unsettlement in the public mind, and notwithstanding considerable forbearance shown by them, the local officers

were compelled towards the latter part of July to adopt coercive measures for the collection of revenue.

Some of the gentlemen belonging to this area saw the Revenue Commissioner in the month of June at Mysore, and represented to him their grievances. The Revenue Commissioner told them that, as in any case, they would have to pay half the wet assessment, they would do well to clear the rest of the dues, retaining, if necessary, the other half of the wet assessment to which alone they would be entitled if their request for remission was found to be justified, and he simultaneously asked the Deputy Commissioner to enquire into their grievance and send him a report. The Deputy Commissioner also intimated the same fact to the raiyats and held an enquiry and his report is now before the Government. Nevertheless, the campaign against the payment of taxes continued and all revenues,—dry, wet and bagayet—were withheld.

I now put it to the Assembly, what, in their opinion, the officers should have done, when faced with such a situation. To my mind, only one answer is possible. When such a challenge against one of the primary functions of Government is thrown out, there is no alternative but to employ all the resources which the law provides and collect the revenue which is legitimately due. If the necessary steps to this end had not been taken by the local officers, they would have failed in their duty.

It was alleged that excessive police force was used in making distraints of property in Hirejamboor village. The reports which have been received from the Deputy Commissioner do not by any means support the allegations of excesses. The distraints were made in the presence of the Sub-Division Officer and the Amildar. Though it is true that they had taken police help,—which, however, was very much less than what was stated by Mr. Channappa—as they felt that they had to be prepared for eventualities, they carefully kept them outside the village, and used the ordinary revenue staff for carrying out the attachments.

Another allegation was that men of different communities were made to enter the kitchen and other inner apartments of the houses of the raiyats. The distraints were effected in the direct presence of the Sub-Division Officer who is a Brahmin Officer and the Amildar who belongs to the Vokkaligar community and it is very hard to believe that they would have permitted excesses of this kind even in the discharge of their duty.

The Revenue Commissioner visited the Shikarpur Taluk in the early part of August 1931, and though he was prepared to hear the grievances and representations of the people, none of those who are now loud in protestations of grievances approached him. From enquiries made on the spot, he was satisfied, that no excesses of any kind had been allowed to take place.

Finally, it only remains to ask the members of this Assembly who come here as representatives of the raiyats from all parts of the State, whether they would be doing a service to the raiyats if they countenanced—directly or indirectly—any movement having for its object the non-payment of taxes due to Government. I want you to realise the reactions that are bound to follow by the adoption of any such unwise course. Whatever Government may be in power, whether it is a bureaucratic or democratic Government, whether it is a Swarajist Government or a Soviet Government—every Government must receive its taxes from its citizens. Otherwise, anarchy is the only alternative.

I request that the members of this Assembly who have a reputation for sanity and wisdom may give their vote on this motion with a due regard to the facts that I have endeavoured to place before them.

At this stage, MR. HOSAKOPPA KRISHNA RAO rose to a point of order. He read out Rule 6, Sub-Clause (3), to the following effect :—

"A member who has moved a motion may speak again by way of reply and the Member of Council who is in charge of the Department to which the matter relates shall have the right to speak (whether he has previously spoken or not) after the mover has replied. It will also be open to such Member of the Council to authorise any of the officials of Government deputed to attend the Assembly to speak on his behalf."

He observed that he along with some other members of the House thought that the Revenue Commissioner replied to the debate after being duly delegated by the Member of Council in charge and hence, after the reply by the Government Member, no other member could speak and as such, he was of the opinion that there should be no further discussion on the motion. In this view, he requested the Dewan to put the motion to the vote of the House.

THE DEWAN observed that the Revenue Commissioner had spoken under Section 3 (2) of the Representative Assembly Regulation and that as the Member of Government

in charge of the Department had not spoken yet, the discussion could not be closed.

MR. G. CHANNAPPA then moved for the closure of the debate.

MR. D. S. MALLAPPA requested the President to put the motion to the vote of the House, so that it could record its verdict on it, as otherwise the object of the motion itself would be defeated if it was allowed to be talked out.

THE DEWAN observed that it appeared that some more members desired to speak and that it was necessary to allow them to do so.

MR. B. USMON KHAN then rising observed that from the statement made by the Patel of the Shikarpur Taluk it was quite clear that the people of that taluk were able to pay the kandayam and many of them had actually paid although they had withheld it before. Further, it was also evident from the speeches made by the members that the local officers did visit the villages and inspect the crops. Hence, to say that they did not visit the villages was entirely wrong. The tracts concerned received the special attention of the local officers who after careful enquiry reported to higher authorities that no case had been made out for remission of assessment. The speaker thought that in his opinion the clamour for remission was probably due to a few agitators and not based on the yield of crops or of the condition of the raiyats. He was given to understand, he said, that some people from Bangalore and even from Bardoli went to the place. If the raiyats were able to pay Rs. 11,000 or so during February, it was certainly not just on their part to laterly think of not paying revenue and launch a no-tax campaign.

Referring to the statement by some members that Mahomedans were let into the houses for distraining movables, he said that that might be true, for who else could be asked to do that part of the work if, for the most part, the menials of the officers were Mahomedans and there was no other help to the officers. He thought that probably the menials might have done their duty under orders of the higher authorities.

MR. M. S. LINGE GOWDA observed that some doubts that he had entertained during the course of the discussion about the condition of the taluk were laterly dispelled by the lucid explanation of the Revenue Commissioner. It was clear to him from the statements made by the members that the people were really able to pay but did not pay. If that

was so, it should have been due to the influence of the no-tax campaign in the Bombay Presidency about which he was reading in newspapers daily at that time.

The speaker also observed that he could not believe the statement that the *pahani* accounts of the taluk were wrong or were altered with a purpose. For, when every time in the Assembly it was being brought to the notice of Government that *pahani* accounts were not being kept by the Shanbhogues correctly and that arrangements should be made to set right the defect, it was impossible to think, he said, that Government, after hearing so much about the incorrectness of the *pahani* accounts, would have allowed the state of affairs to continue. He was therefore of the opinion that the entire trouble might have been due to the influence of agitators.

MR. BELUR SRINIVASA IYENGAR then moved that the motion be put under the provision contained in Rule 7 of the Standing Orders.

MR. HOSAKOPPA KRISHNA RAO seconded the motion.

THE DEWAN observed that the Member of Council in charge of the Department would, as allowed by the rules, place before the House the views of Government.

As however it was 6-30 P.M., discussion on the adjournment motion automatically terminated as per Standing Order No. 11.

At this stage, the House rose for the day to meet again at 12 NOON the next day.